DEC 23 2009

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JOHN F. COHCORAN, CLERK BY:

DAVON BELL,)	
)	Civil Action No. 7:09-CV-00214
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	By: Hon. Glen E. Conrad
CITY OF ROANOKE SHERIFF'S OFFICE, et al.,)	United States District Judge
)	
Defendants.)	

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

- 1. Deputy Young's motion to dismiss shall be and hereby is **DENIED**.
- 2. The City of Roanoke Sheriff's Office and Sheriff Johnson's motion to dismiss shall be and hereby is **GRANTED** in part and **DENIED** in part.
- 3. All claims against the defendants in their official capacities, and all claims against the City of Roanoke Sheriff's Office, shall be dismissed. The plaintiff's conspiracy count as alleged against Sheriff Johnson shall be taken under advisement.
- 4. Inasmuch as the City of Roanoke Sheriff's Office has been dismissed, the case shall hereinafter be styled <u>Bell v. Johnson et al.</u>

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to all counsel of record.

ENTER: This 33¹⁰ day of December, 2009.

United States District Judge

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